IN THE HIGH COURT OF JUDICATURE AT PATNA

Cr.Misc. No.26139 of 2008

RAM BAHADUR MAHTO & ORS
Versus
STATE OF BIHAR

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2. 31.7.2008 Heard the learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in connection with C.R. Case No.381 of 2003 for the alleged offences registered under sections 420, 467 and 468 of the Indian Penal Code.

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It is submitted on behalf of the petitioners that admittedly a civil suit vide Title Suit No.43 of 2000 is pending against the father of the present complainant, namely, Ram Charitra Mahto with respect to certain lands and on the death of the original defendant no.1 Ram Charitar Mahto, the present complainant and others were substituted. In the aforesaid Title suit the plaintiffs had filed an information petition dated 16.1.2002, which was objected by the defendants as being manufactured and forged. Therefore, the defendants filed a petition dated 7.3.2002 for impounding the said documents and requested the court for

proceeding against the petitioners. However, during the pendency of the said proceeding, the complainant had filed the present complaint for ulterior purposes. Later the said petition filed by the defendant was dismissed as not pressed, vide order dated 11.12.2003, as contained in Annexure 5.

Considering the above, it is directed that petitioners no.1 to 4, namely, Ram Bahadur Mahto, Ram Krishna Mahto @ Ram Kisun Mahto, Ram Narain Mahto and Ramotar Mahto, respectively, in the event of their arrest or surrender in connection with C.R. Case No.381 of 2003, within a period of four weeks from today, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Rosera, Samastipur, in connection with the aforesaid case, on the conditions mentioned in sub-section (2) of section 438 of the Code of Criminal Procedure.

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PNM **(Shailesh Kumar Sinha, J.)**